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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,813	05/14/2001	Michael J. Kobb	22407 - 05443	1543

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,813

Applicant(s)

KOBB, MICHAEL J.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 12/8/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-12 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13, 14, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed 12/8/05 have been fully considered but they are not persuasive.

{A} In re page 8 applicant challenges the official notice claim 1, for having a user input means to dictate a start of reproduction time.

In response the examiner cites, Aotake, (Sony/July 8, 1998, US 6,411,771), which is a recording system with TV tuner Fig. 5, timer recording operation Fig. 7, tape setting Fig. 8, quality settings Fig. 10, having an interface control Fig. 15 for recorded material, having a time display 345, having a slider being a means for a user to select a start of reproduction time or a time input slider bar with associated numeric time indication display, a play button to enter a command dictating playing at any point desired, start time or after or anytime, therein the clock display can be changed between

- lapsing time;
- remaining;
- a recording point;
- a lapsing period of time.

Therefore, based on the provided user input means being a graphical user interface with slide bar to select time, a display to confirm the desired time, wherein the display has multiple modes, elapse and remaining and two others, the examiner renders the limitation obvious that a user can adjust the slide bar to the broadcast time or prior or after, using the numeric display to select a time to command playback from, as taught by Aotake, as is obvious to those skilled in the art.

The other official notices taken by the examiner are not deemed properly challenged, the examiner upon a reasonable request will provide additional references.

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The examiner offers his assistance, if desired to capture applicant invention in the broadest light being most advantageous to applicant inventor/assignee.

It is noted that Aotake does provide some teaching, display of elapse time and other display time modes, a user GUI and user input time selection for playback.

Since the claims recite comprising additional elements with respect to the prior art can be made.

Conclusion

If the system has the capability upon a reproduction command without any other user input, that the system would automatically start at the scheduled time for playback, even though the recording was extended, this feature amended to the independent claims would overcome the art applied and aware of and searched for, by the primary examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-4, 8-9, 12, 15, 16, 17-18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6141,488).

Regarding claims 1-4, 8-9, 12, 15, 17-18, 21 the examiner incorporates by reference the last action against claims.

Claims 7, 10-11, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6141,488) in view of Wehmeyer et al. (US 5,682,206).

Regarding claims 7, 10-11, 19-20, the examiner incorporates by reference the last action against the claims.

Allowable Subject Matter

1. Claims {5, 13, 22}, {6, 14, 23} are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach, disclose or suggest, claims 5, 13 & 22, wherein even though, the beginning of recording was extended, the recited counter counting elapse time from the scheduled rather than the beginning, is not known in the art.

Claims 6, 14 & 23, the prior art also fails to disclose, when a recording has been extended from the beginning to provide a counter that counts recorded data between the record start and scheduled start time as negative time.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Fax Information

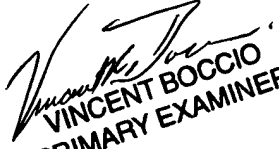
Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
2/21/06


VINCENT BOCCIO
PRIMARY EXAMINER